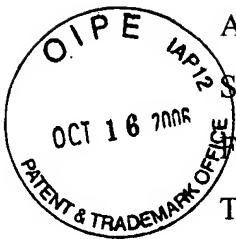


S/N 10/823,005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: HILGREN ET AL. Examiner: Y. R. ABBOTT  
Serial No.: 10/823,005 Group Art Unit: 3644  
Filed: APRIL 12, 2004 Docket No.: 163.1397USC2  
Title: METHOD AND COMPOSITION FOR WASHING POULTRY DURING  
PROCESSING

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 13, 2006.

By: Denise Chamberlin

Name: Denise Chamberlin

COMMUNICATION REGARDING FORM 1449 MAILED JUNE 27, 2006

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Applicants respectfully request consideration of item 70 (Claim Construction Brief Filed by Ecolab, Inc., Declaration of *Timothy A. Gutzmann*, filed April 21, 2006) listed at page 3 of the Form 1449 mailed June 27, 2006 and item 95 (Declaration of Martin P. Rigney in Support of Response filed by Ecolab, Inc. filed May 10, 2006) listed at page 4 of the Form 1449 mailed June 27, 2006. It appears the Examiner inadvertently missed initialing these two items. It is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903

(612) 332-5300

Dated: Oct 13, 2006

Mark T. Skoog

Mark T. Skoog

Reg. No. 40,178

MSkoog/SMM/dc

S/N 10/823,005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	HILGREN ET AL.	Examiner:	Y. R. ABBOTT
Serial No.:	10/823,005	Group Art Unit:	3644
Filed:	APRIL 12, 2004	Docket No.:	163.1397USC2
Title:	METHOD AND COMPOSITION FOR WASHING POULTRY DURING PROCESSING		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 13, 2006.

By: 

Name: Denise Chamberlin

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450



Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

This Supplemental Information Disclosure Statement encloses litigation documents. U.S. Patent Nos. 6,010,729, U.S. Patent No. 6,103,286, and U.S. Patent No. 6,113,963, are assigned to Ecolab and are currently the subject of pending litigation in the U.S. District Court, District of Minnesota. The litigation is captioned Ecolab, Inc. v. FMC Corporation, Case No. 0:05-cv-00831-JMR-FLN. Plaintiff Ecolab commenced the litigation by asserting infringement of these patents in a Complaint filed April 26, 2005. The litigation is presently in the discovery stage. Pursuant to the first paragraph of MPEP §2001.06(c), applicants are bringing the documents listed on the Form 1449 to the Examiner's attention.

Neither the items listed on the Form 1449 nor the other litigation documents are believed to identify with particularity any assertions made by applicants in the litigation that would be contradictory to assertions made by applicants to the Examiner responsible for the present application or the Examiner responsible for the priority applications. Applicants do not believe they have made any such contradictory assertions.

The documents in the litigation include the prosecution histories for US 6,010,729, U.S. Patent No. 6,103,286, U.S. Patent No. 6,113,963, and U.S. Patent No. 5,632,676. Copies of these file histories are not submitted herewith. Applicants believe the Examiner can readily obtain these prosecution histories at the Patent Office. Applicants invite him to do so.

If desired by the Examiner, Applicants can provide copies of any of the other papers filed in the litigation (e.g., interrogatories and responses, deposition transcripts, and the like) and not already included with this Supplemental Information Disclosure Statement, subject to applicable confidentiality restrictions. The Examiner is also invited to contact Applicants' Representative at the below-listed telephone number, if there are any questions regarding this Supplemental Information Disclosure Statement or if any other assistance is needed during prosecution of the present application.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Serial No. 10/823,005

Group Art Unit: 3644

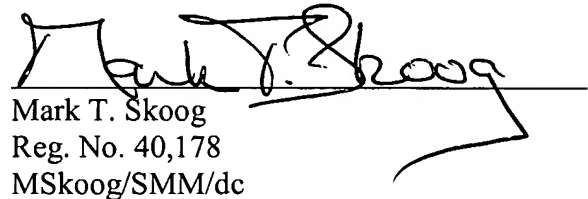
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Dated: Oct 13, 2006

  
Mark T. Skoog  
Reg. No. 40,178  
MSkoog/SMM/dc

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 163.1397USC2	Application Number: 10/823,005
	Applicant: HILGREN ET AL.	
	Filing Date: APRIL 12, 2004	Group Art Unit: 3644

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	District Court Civil Docket No.	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	District Court Civil Docket No.	DOCUMENT TITLE:
		Civil Docket Sheet for Case No. 0:05-cv-00831-JMR-FLN printed September 26, 2006.
	133-1	ANSWER to Amended Complaint ( <i>Second</i> ), <i>Affirmative Defenses</i> , COUNTERCLAIM against Ecolab, Inc. by FMC Corporation. (DiGiovanni, Francis) (filed: 06/23/2006)
	137-1	MEMORANDUM in Support re 135 MOTION to Compel filed by Ecolab, Inc., (Zimmerman, Rachel) (filed: 07/14/2006)
	138-1	Declaration of Todd S. Werner in Support of 135 MOTION to Compel filed by Ecolab, Inc.. RECEIVED SEALED DOCUMENTS ON 7/14/06 Modified on 7/14/2006 (GJS). (filed: 07/14/2006)
	144-1	Declaration of Rachel K. Zimmerman in Support of 141 MOTION for Extension of Time to Complete Discovery filed by Ecolab, Inc.. (Zimmerman, Rachel) (filed: 08/01/2006)
	144-2	Amended Third Notice of Videotaped Deposition of FMC Corporation and Request for Designation of Persons to Testify Pursuant to FED.R.CIV.30(b)(6), filed August 1, 2006.
	146	MEMORANDUM in Opposition re 135 MOTION to Compel filed by FMC Corporation. (DiGiovanni, Francis) (filed: 08/03/2006)
	154-1	MEMORANDUM in Support re 152 MOTION for Protective Order and for Sanctions filed by Ecolab, Inc.. (Williams, Douglas) (filed: 08/09/2006)
	157-1	Declaration of Douglas J. Williams in Support of 152 MOTION for Protective Order and for Sanctions filed by Ecolab, Inc.. (Williams, Douglas) (filed: 08/09/2006)
	165-1	Declaration of Francis DiGiovanni, Esq. in Support of 164 Memorandum in Support of Motion filed by FMC Corporation. Modified text on 8/16/2006 (gjs). (filed: 08/14/2006)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 163.1397USC2	Application Number: 10/823,005
	Applicant: HILGREN ET AL.	
	Filing Date: APRIL 12, 2004	Group Art Unit: 3644

	165-2	Exhibit A: copy of B. Bugene Guthery, M.D. (Plaintiff) vs. Ecolab, Inc. (Defendant), Plaintiff's Original Complaint and Application for Injunctive Relief Jury Trial Demanded, filed August 14, 2004.
	165-3	Exhibit B: copy of B. Bugene Guthery, M.D. (Plaintiff) vs. Ecolab, Inc. (Defendant), Stipulation For Entry of Consent Judgement and Order for Judgement, filed August 14, 2004.
	175-1	MEMORANDUM in Opposition re 162 MOTION for Sanctions <i>and an Order Allowing FMC to Re-Notice and Take the Deposition of B. Eugene Guthery</i> filed by Ecolab, Inc. (Williams, Douglas) (filed: 08/21/2006)
	176-1	MEMORANDUM in Opposition re 152 MOTION for Protective Order <i>and for Sanctions</i> filed by FMC Corporation.(Wahlgren, Shama) (Entered: 08/21/2006)
	177-1	DECLARATION of Rachel K. Zimmerman in Opposition to 162 MOTION for Sanctions <i>and an Order Allowing FMC to Re-Notice and Take the Deposition of B. Eugene Guthery</i> filed by Ecolab, Inc.. (Williams, Douglas) SEALED DOCUMENTS RECEIVED IN CLERK'S OFFICE ON 8/21/2006. (KT) (Entered: 08/21/2006)

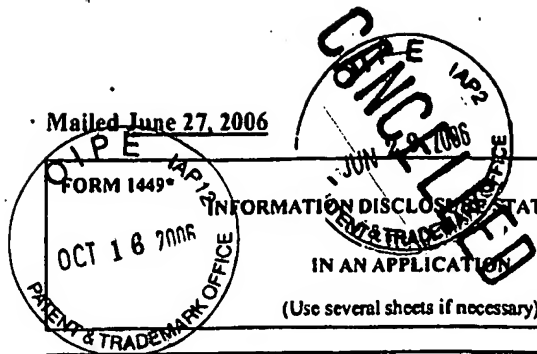
**23552**

PATENT TRADEMARK OFFICE

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Mailed June 27, 2006

Sheet 1 of 5



**INFORMATION DISCLOSURE STATEMENT  
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number:

163.1397USC2

Application Number:

10/823,005

Applicant: HILGREN et al.

Filing Date: April 12, 2004

Group Art Unit: 3644

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	District Court Civil Docket No.	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
YA	63-5	5,632,676'	05/27/1997	Kurschner et al.		
	1-2	6,010,729	01/04/2000	Gutzmann et al.		
	1-3	6,103,286	08/15/2000	Gutzmann et al.		
	1-4	6,113,963	09/05/2000	Gutzmann et al.		
	71-6	4,051,058	09/27/1977	Bowing et al.		
	72-1	4,051,059	09/27/1977	Bowing et al.		
	72-2	5,200,189	04/06/1993	Oakes et al.		
YA	72-4	5,139,788	08/18/1992	Schmidt		

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER INITIAL	District Court Civil Docket No.	DOCUMENT TITLE:
YA		Civil Docket Sheet for Case No. 0:05-cv-00831-JMR-FLN printed June 21, 2006
	1-1	Complaint with attached Exhibits A, B and C, filed April 26, 2005
	7: 1	Answer to Complaint, Affirmative Defenses, and Counterclaim with attached Exhibit I, filed August 11, 2005
	12	Plaintiff's Reply to Defendant's Counterclaim, filed August 31, 2005
	14: 1-2	Plaintiff Ecolab Inc.'s Motion for Leave to File its First Amendment Complaint, filed September 8, 2005
	25: 1	Amended Complaint, filed October 12, 2005
	28	Answer to Amended Complaint, Affirmative Defenses, and Counterclaim, filed October 26, 2005
	41: 1-2	FMC Corporations Motion for Leave to File its Amended Answered, Affirmative Defenses, and Counter Claim, filed April 14, 2006
	42	Memorandum of Law in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counterclaim, filed April 14, 2006 Exhibits A-D (44: 2-6)
	44-1	Declaration of Francis DiGiovanni Submitted in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counter Claim, filed April 14, 2006
YA	44-2	A copy of the Partial European Search Report prepared and filed by the European Patent Office in EPO application no. EP 99 11 6261, which is an EPO counterpart to the application that resulted in Ecolab's U.S. patent 6,010,729 - (Exhibit A for Declaration of Francis DiGiovanni Submitted in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counter Claim, filed April 14, 2006)

EXAMINER

DATE CONSIDERED

7/6/06

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	<b>Docket Number:</b> 163.1397USC2	<b>Application Number:</b> 10/823,005
	<b>Applicant:</b> HILGREN et al.	
	<b>Filing Date:</b> April 12, 2004	<b>Group Art Unit:</b> 3644

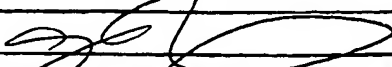
44-3	A copy of a communication from the EPO on EPO application no. EP 99 11 6261 - (Exhibit B for Declaration of <i>Francis DiGiovanni</i> Submitted in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counter Claim, filed April 14, 2006)
44-4	A copy of a communication to the EPO from counsel for Ecolab Inc. regarding EPO application no. EP 99 11 6261 - (Exhibit C for Declaration of <i>Francis DiGiovanni</i> Submitted in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counter Claim, filed April 14, 2006)
44: 5-6	A copy of Ecolab's "Supplemental Answer to Interrogatory No. 2 and Second Supplemental Answer to Interrogatory No. 14," served April 3, 2006 - (Exhibit D for Declaration of <i>Francis DiGiovanni</i> Submitted in Support of FMC Corporation's Motion for Leave to File its Amended Answer, Affirmative Defenses, and Counter Claim, filed April 14, 2006)
46: 1-2	Plaintiff Ecolab Inc.'s Motion for Leave to File its Second Amended Complaint, filed April 14, 2006
48	Memorandum of Law in Support of Plaintiff Ecolab Inc.'s Motion for Leave to File its Second Amended Complaint, filed April 14, 2006
61	FMC Corporation's opening Claim Construction Brief, filed April 21, 2006
62: 1-2	Construction Brief by FMC Corporation, FMC Corporation <i>Scott M. Russell, PhD.</i> , filed April 21, 2006
63: 1	Declaration by FMC Corporation <i>Francis DiGiovanni</i> disclosing Exhibits A-Q, filed April 21, 2006 Exhibits A-E are attached and correspond to documents 63:2-7
66-3	United States Department of Agriculture, Food Safety and Inspection Service, www. www.fsis.usda.gov/Fact_Sheets/Poultry_Preparation_Fact_Sheets/index.asp, printed April 18, 2006 (Exhibit J for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
66-4	"Microbiological Decontamination of Food Animal Carcasses by Washing and Sanitizing Systems: A Review" by James S. Dickson and Maynard E. Anderson printed in the <i>Journal of Food Protection</i> , Vol. 55, No. 2, pp. 133-140 (Feb. 1992) (Exhibit K for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
66-5	<i>Principles of Food Sanitation</i> (1989) by Norman G. Marriott; cover, copyright and page 377 with definition of "sanitize" (Exhibit L for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
66-6	<i>Webster's Ninth New Collegiate Dictionary</i> (1991) cover; copyright and pages 504, 736 and 1141 with definitions of "game", "meat", and "spray" (Exhibit M for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
66-7	"The Effect of Hot Boning Broiler Meat Muscles on Postmortem pH Decline" by M.K. Stewart and D.L. Fletcher printed in <i>Poultry Science</i> , vol. 63, no. 9(1984) (Exhibit N for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
66-8, 66-9	"Manganese, Copper, Zinc, Iron, Cadmium, Mercury and Lead in Muscle Meat, Liver and Kidneys of Poultry, Rabbit and Sheep, Food Additives and Contaminants" by J. Falandysz printed in <i>Food Additives and Contaminants</i> , vol. 8, no. 1, pg. 71-83 (1991) (Exhibit O for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
67-2	United States Department of Agriculture, Food Safety and Inspection Service, www. www.fsis.usda.gov/Fact_Sheets/Farm_Raised_Game/index.asp, printed April 17, 2006 (Exhibit P for Declaration by FMC Corporation <i>Francis DiGiovanni</i> , filed April 21, 2006)
68: 1-2	Plaintiff Ecolab Inc.'s Opening Claim Construction Brief, filed April 21, 2006

EXAMINER	DATE CONSIDERED 7/6/06
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	




<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 163.1397USC2	Application Number: 10/823.005
	Applicant: HILGREN et al.	
	Filing Date: April 12, 2004	Group Art Unit: 3644

	70	Claim Construction Brief Filed by Ecolab, Inc., Declaration of <i>Timothy A. Gutzmann</i> , filed April 21, 2006
YA	71-1	Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> disclosing 22 Exhibits, filed April 21, 2006 Exhibits 1-5 are attached and correspond to documents 71:2-6
1	72-3	Response filed by Plaintiff Ecolab Inc. on July 3, 1996 during prosecution of US 5,632,676 (Exhibit 8 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	72-5	FDA Food Code 1-201.10(69) (1993) (Exhibit 10 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	73-1	FDA Food Code 1-201.10 (71) (1995) (Exhibit 11 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	73-2	FDA Food Code 1-201.10 (70) (1997) (Exhibit 12 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	73-3	Block, <i>Disinfection, Sterilization and Preservation</i> 24 (5th ed. 2001) pp. 24-28 (Exhibit 13 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	73-5	Response filed by Plaintiff Ecolab Inc. on October 6, 1994, during prosecution of US 5,632,676. (Exhibit 15 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	73-7	Copy of IDS filed by Plaintiff on January 12, 1994, during prosecution of US 5,632,676. (Exhibit 17 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	77-5	United States Department of Agriculture, Food Safety and Inspection Service, <a href="http://www.fsis.usda.gov/HELP/glossary-m/index.asp">www.fsis.usda.gov/HELP/glossary-m/index.asp</a> , printed April 21, 2006 (Exhibit 22 for Claim Construction Brief filed by Ecolab Inc., Declaration of <i>Rachel K. Zimmerman</i> , filed April 21, 2006)
	82: 1-2	FMC Corporation's Opening Claim Construction Brief, filed April 26, 2006
	84	FMC's Memorandum of Law in Opposition to Ecolab Inc.'s Motion for Leave to File its Second Amended Complaint, filed May 3, 2006
	85: 1-2	Declaration of <i>Francis DiGiovanni</i> Submitted in Support of FMC's Memorandum of Law in Opposition to Ecolab Inc.'s Motion for Leave to File its Second Amended Complaint, filed May 3, 2006
	87	Memorandum in Opposition re Motion to Amend/Correct Notice (Other) <i>Leave to File its Amended Answer, Affirmative Defenses, and Counterclaim</i> filed by Ecolab, Inc., filed May 5, 2006.
	88-1	Declaration of <i>Rachel Zimmerman</i> in Opposition to Memorandum in Opposition to Motion filed by Ecolab, Inc., filed May 5, 2006
	88:2-3	A copy of Plaintiff Ecolab Inc.'s Supplemental Answer to FMC's Interrogatory No. 2 and Second Supplemental answer to FMC's Interrogatory No. 14. Ecolab's supplemental answer to FMC's Interrogatory No. 2 begins on page 31 - (Exhibit 1 for Declaration of <i>Rachel Zimmerman</i> in Opposition to Memorandum in Opposition to Motion filed by Ecolab, Inc., filed May 5, 2006)
	90-1	A copy of an excerpt from the April 6, 2006, Deposition Testimony of <i>Timothy Gutzmann</i> - (Exhibit 4 for Declaration of <i>Rachel Zimmerman</i> in Opposition to Memorandum in Opposition to Motion filed by Ecolab, Inc., filed May 5, 2006)
YA	94-1	Response re Claim Construction Brief Plaintiff Ecolab Inc.'s Answering Claim Construction Brief filed by Ecolab, Inc., filed May 10, 2006

EXAMINER	DATE CONSIDERED
	7/6/06
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	<b>Docket Number:</b> 163.1397USC2	<b>Application Number:</b> 10/823,005
	<b>Applicant:</b> HILGREN et al.	
	<b>Filing Date:</b> April 12, 2004	<b>Group Art Unit:</b> 3644

	95	Declaration of Martin P. Rigney in Support of Response filed by Ecolab, Inc. filed May 10, 2006.
YA	96	Declaration of R. Bruce Tompkin in Support of Response filed by Ecolab Inc., filed May 10, 2006.
	97-1	Declaration of Rachel K. Zimmerman in Support of Response filed by Ecolab Inc., filed May 10, 2006.
	97-2	A copy of an Office Action mailed March 3, 1995 during the prosecution of the '676 patent - (Exhibit A for Declaration of Rachel K. Zimmerman in Support of Response filed by Ecolab Inc., filed May 10, 2006)
	97-5	Copy of Merriam Webster's Collegiate Dictionary pg. 1138 (10th ed. 1997) - (Exhibit D for Declaration of Rachel K. Zimmerman in Support of Response filed by Ecolab Inc., filed May 10, 2006)
	99	Response re Claim Construction Brief filed by FMC Corporation, filed May 10, 2006.
	100-1	Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006. Exhibits 1-5 (100:2-6)
	100-2	Deming, M. et al., "Campylobacter Enteritis at a University: Transmission from Eating Chicken and from Cats", <i>American J. Epidemiology</i> , v. 126 no. 3, pp. 526-537 (1987) - (Exhibit 1 for Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006.)
	100-3	Tauxe, R., Hargrett-Bean, N., Patton, M. et al., "Campylobacter Isolates in the United States, 1982-1986", <i>CDC MMWR Surveillance Summaries</i> 37 (SS-2), 1-13 (June 1, 1988) - (Exhibit 2 for Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006.)
	100-4	DeWit et al., "Cross-contamination during the preparation of frozen chickens in the kitchen", <i>J. Hygiene</i> , 83(1): 37-32 (August 1979) - (Exhibit 3 for Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006.)
	100-5	Hopkins, R. and Scott, A., "Handling Raw Chicken as a Source for Sporadic Campylobacter Infections", <i>Letter, J. Infectious Diseases</i> , vol. 148 no. 4, 770 (October 1983) - (Exhibit 4 for Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006.)
	100-6	Kapperud et al., "Risk Factors for Sporadic Campylobacter Infections", <i>J. Clinical Microbiology</i> , vol. 30, no. 12, pp. 3117-3121 (Dec. 1992) - (Exhibit 5 for Second Declaration re Response by FMC Corporation of <i>Scott M. Russel Ph.D.</i> , filed May 10, 2006.)
	101-1	Second Declaration re Response by FMC Corporation of <i>Francis DiGiovanni</i> , filed May 10, 2006. Exhibits A-E (101:2-6)
	101-2	Bronsteing, S., "A Journal-Constitution Special Report: Chicken: How Safe? First of Two Parts," <i>Atlanta Journal of Constitution</i> (May 26, 1991) - (Exhibit A for Second Declaration re Response by FMC Corporation of <i>Francis DiGiovanni</i> , filed May 10, 2006)
	101-3	Snow, J., "Cook Food Well to Avoid Illness...", <i>Akron Beacon-Journal</i> (April 14, 1993) - (Exhibit B for Second Declaration re Response by FMC Corporation of <i>Francis DiGiovanni</i> , filed May 10, 2006)
	101-4	Lisa Y. Lefferts and Stephen Schmidt, Name your poison - food - includes information about microbial resistance to antibiotics, <i>Nutrition Action Health Letter</i> , July-August 1991 - (Exhibit C for Second Declaration re Response by FMC Corporation of <i>Francis DiGiovanni</i> , filed May 10, 2006)
YA	101-5	United States Department of Agriculture, Food Safety and Inspection Service, <a href="http://www.fsis.usda.gov/OA/pubs/gmdpoul.htm">www.fsis.usda.gov/OA/pubs/gmdpoul.htm</a> "The Facts About Ground Poultry" printed May 10, 2006 - (Exhibit D for Second Declaration re Response by FMC Corporation of <i>Francis DiGiovanni</i> , filed May 10, 2006)

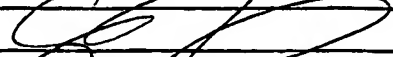
<b>EXAMINER</b> 	<b>DATE CONSIDERED</b> 7/6/06
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	<b>Docket Number:</b> 163.1397USC2	<b>Application Number:</b> 10/823,005
	<b>Applicant:</b> HILGREN et al.	
	<b>Filing Date:</b> April 12, 2004	<b>Group Art Unit:</b> 3644

YA	101-6	United States Department of Agriculture, Food Safety and Inspection Service, "Report of the U.S. Delegate, 27th Session, Codex Committee on Fish and Fishery Products, Cape Town South Africa, Feb. 28-Mar. 4, 2005", <a href="http://www.fsis.usda.gov/regulations_and_policies/Delegate_Report_27CCFFP/index.asp">www.fsis.usda.gov/regulations_and_policies/Delegate_Report_27CCFFP/index.asp</a> printed May 10, 2006 - (Exhibit E for Second Declaration re Response by FMC Corporation of Francis DiGiovanni, filed May 10, 2006)
	104	Preliminary Claim Construction signed by Judge James M. Rosenbaum, filed May 11, 2006.
	110	Order Granting in part and denying in part Motion to Amend/Correct - granting in part and denying in part Motion for Leave to File, filed May 19, 2006.
	111	Letter to Magistrate Judge by FMC Corporation seeking clarification regarding the second paragraph of the May 19, 2006 Order relating to FMC's motion for leave to amend the pleadings, filed May 30, 2006.
	113	Objection regarding 104 Order, Ecolab Inc's Response to the Court's Preliminary Claim Construction filed by Ecolab, Inc. filed June 1, 2006 (Sealed Document)
	114: 1-2	Declaration of Rachel K. Zimmerman in Support of 113 Objection filed by Ecolab, Inc, filed June 1, 2006 (Sealed Document)
	115	Response regarding Order, to the Court's Preliminary Claim Construction filed by FMC Corporation, filed June 1, 2006.
	118	Exhibit regarding 114 Declaration in Support, 113 Objection (Exhibit A) by Ecolab, Inc. filed by Ecolab, Inc., filed June 1, 2006.
	119	Certificate of Service by Ecolab, Inc. regarding 114 Declaration in Support, 118 Exhibit, 113 Objection, 117 LR7.1 Word Count Compliance Certificate on all parties, filed June 1, 2006.
	122	Appeal of Magistrate Judge Decision to District Court regarding 110 Order on Motion to Amend/Correct, Order on Motion for Leave to File, filed June 5, 2006.
	125: 1-4	Letter to Magistrate Judge by Ecolab, Inc., Ecolab, Inc. Responding to FMC's Letter of May 30, 2006. (Attachments: #1 Exhibit(s) A - subpoena to Guthery #2 Exhibit(s) B - Complaint #3 Exhibit(s) C - Stipulation for Consent Judgment), filed June 6, 2006.
	127	Amended Order - Granting in Part and Denying in Part regarding 41 Motion to Amend/Correct Answer and Counterclaim filed by FMC Corporation, Signed by Magistrate Judge Franklin L Noel on June 9, 2006, filed June 9, 2006.
	128-1	Amended Complaint (Second) against FMC Corporation, filed by Ecolab, Inc. (Attachments: #1 Certificate of Service), filed June 9, 2006.
	129	Stipulation to Amend Pretrial Schedule (Third) by Ecolab, Inc., FMC Corporation, filed June 13, 2006.
	131	LETTER TO DISTRICT JUDGE by FMC Corporation regarding Docket No. 122 (FMC's Provisional Objections to the Magistrate Judge's Order dated May 18, 2006), filed June 14, 2006.
MA	132	ORDER - GRANTING re 129 Stipulation to Amend Pretrial Schedule . Signed by Magistrate Judge Franklin L Noel on 6/14/06, filed June 14, 2006.

**23552**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
	7/6/06
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